

To whom it may concern,

March 7, 2016

This is my testimony pertaining to H.B. 5522- An Act Concerning Homeowners Insurance Policies and Coverage For the Peril Of Collapse.

My foundation was poured by JJ Mottes in May 1995. I was standing there with John Soucy, the contractor I hired to put in my foundation, while the Mottes truck was pouring the concrete. I've been reminded of that day every time I passed a Mottes mixer on the road ever since.

I learned of the problem of crumbling foundations in the July 25-26, 2015 edition of the Journal Inquirer.

I had noticed a large crack in one corner of my foundation a few years ago, but I attributed it to settling. I considered patching it. Once I read the article I inspected my foundation more closely and noticed areas where there were numerous spider cracks thru my foundation walls, and one area where a chunk of concrete had fallen to the floor.

I contacted Senator Tony Guglielmo and Representative Sam Belsito and asked for advice. Pursuant to his recommendation, I filed a statement with the CT Dept of Consumer Protection on September 17th. After reviewing this bill, this advice may have cost me \$250,000. Per the article in the March 3 Journal Inquirer, Rep. Richard Megna stated that **"legislature can't force insurers to retroactively cover problems that (have) already been discovered, but he believes it can help those who discover problems in the future – even if they have existing policies"**. Senator Guglielmo advised me to file a claim with the DCP on September 12, 2015. Doing so, according to my interpretation of Mr. Megna's statement, effectively excluded me from any protection from this legislation. The 125 of us who have filed claims with the DCP have essentially fallen on our swords for the hundreds or thousands who have kept silent and let others do the work for them. Those who waited will benefit from our coming forward, not us. My understanding is that I have to notify the insurance company within one year of noticing the problem or they can deny my claim. It is unlikely that this bill will pass before July 26, when my DCP complaint acknowledges that I became aware of the problem. That will exclude me from protection under this bill. Oh joy.

I hope you see the problem here. We who have come forward and followed the recommendation of our elected officials and filed claims with the DCP need protection too. We are glad to help those who waited in the wings, but not at our expense.

A reasonable person could assume that Mottes is not going to be pouring vary many more foundations. This problem most likely will not affect anybody who has not had a foundation poured yet. That being the case, your legislation will protect those who have a foundation problem and have not yet come forward. Not those of us who have. But if we did not come forward there would be no bill because nobody would know about it. Again, we need protection too.

I have had my town building inspector look at my foundation. His opinion is that the cracks in my foundation are indicative of the pyrrhotite problem and suggested that I contact a structural engineer. I contacted Fuss and O'neil and was told that they don't deal with individual homeowners, and that taking and testing core samples of a foundation will cost around \$8,000. I don't have \$8,000.

We are trying to figure out what to do next. I have reviewed my insurance policy and it seems contradictory about covering situations such as this. I have contacted a lawyer but have not received a call back.

As for my problem, I was looking forward to being mortgage free for the first time in 30 years in August 2018. Now I'm being told that, due to no fault of my own, I will have the privilege of facing a \$250,000 bill to fix a problem that shouldn't exist. What do we have insurance for? What do we have FEMA for? A real estate agent friend has told me that it would be impossible to sell my house. I'm 61 years old. The equity that I have worked a lifetime to build in my house is now gone. It is basically not even worth the property it is built on because that property has a house needing a quarter million dollar repair on it. At 61 years old I'm at the end of my career. I don't have 30 years that I can work to pay off another mortgage. I do not have \$250,000 in retirement savings. This will wipe me out.

Robert R Swanson
Willington, CT